

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

OREGON LABORERS EMPLOYERS
HEALTH AND WELFARE TRUST
FUND, OREGON LABORERS
EMPLOYERS PENSION TRUST FUND,
OREGON & SOUTHERN IDAHO
LABORERS-EMPLOYERS TRAINING
TRUST FUND, OREGON LABORERS
EMPLOYERS COOPERATION &
EDUCATION TRUST, PREVAILING
WAGE LAW ENFORCEMENT TRUST,
CONTRACT ADMINISTRATION FUND,
and CONSTRUCTION INDUSTRY
DRUG FREE WORKPLACE PROGRAM
TRUST,

03:11-CV-00026-PK

ORDER

Plaintiffs,

v.

TIMOTHY COVINGTON,

Defendant.

BROWN, Judge.

Magistrate Judge Paul Papak issued Findings and

Recommendation (#23) on October 13, 2011, in which he recommended the Court dismiss Plaintiffs' claims in their entirety for lack of subject-matter jurisdiction, deny all pending Motions as moot, and enter a judgment. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*); *United States v. Bernhardt*, 840 F.2d 1441, 1444 (9th Cir. 1988).

In their Objections, Plaintiffs reiterate the arguments contained in their Supplemental Memorandum Re: Jurisdiction and stated at oral argument. This Court has carefully considered Plaintiffs' Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Papak's Findings and Recommendation (#23), **DENIES as moot** Plaintiffs' Motion (#9) for

Summary Judgment, and **DISMISSES** Plaintiffs' claims in their entirety.

IT IS SO ORDERED.

DATED this 20th day of January, 2012.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge